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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,583	06/01/2001	Masashi Ishida	NPR-073	9221

20374 7590 02/05/2003

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WASHINGTON, DC 20006

EXAMINER

PHANIJPHAND, GWEN G

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 02/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

Office Action Summary

Application No.

09/870,583

Applicant(s)

ISHIDA ET AL.

Examiner

Gwen Phaniiphand

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

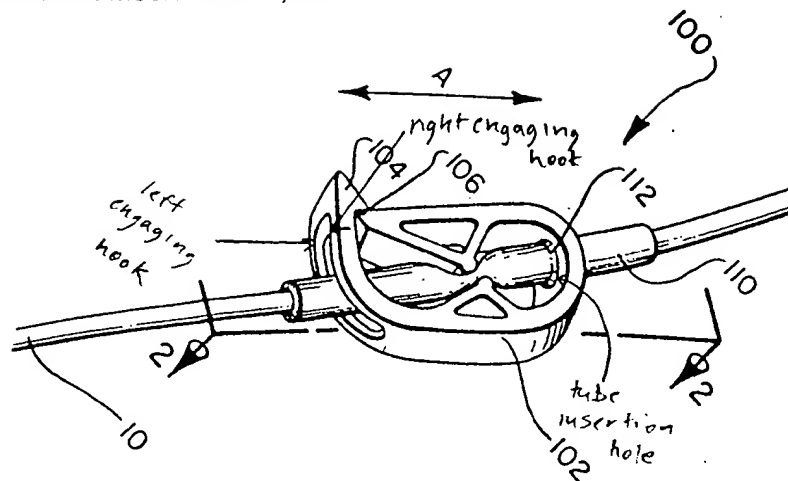
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,035,399 to Rantanen-Lee.

Regarding claim 1, Rantanen-Lee discloses in Figs. 1 and 2 a clamp (100) that is capable of being placed and used on the tube of a winged needle and for storing the needle after use. The clamp comprises a flexible curved portion (the right side in Fig. 2, bordering 110) on the proximal side having a tube insertion hole (the right side in Fig. 2, through which 110 travels) connected via said curved portion. The upper member (104) and the lower member (106) are detachably engaged at distal ends so that there is a clearance through which at least the wing of a winged needle is capable of being introduced between the upper and lower members when the members are not engaged (col. 5, ll. 37-40). A pressurizing portion (Fig. 2: elements 108a, 108b) is provided on the upper member or the lower member for engaging and pressurizing the tube when the members are engaged (col. 5, ll. 33-37). A space (the space between 104 and 106) for storing the needle cannula and a hub is provided in the upper member or lower member

Regarding claim 2, Rantanen-Lee discloses in Fig. 1 that the upper member (104) is provided with a pair of left and right engaging hooks at its distal end. The lower member (106) is provided with an engaged portion for engaging the engaging hooks

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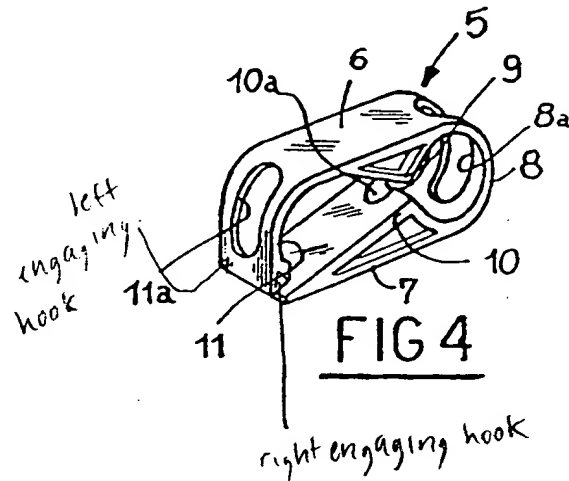


2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,834,702 to Rocco.

Regarding claim 1, Rocco discloses in Fig. 4 a clamp that is capable of being placed and used on the tube of a winged needle and for storing the needle after use. The clamp comprises a flexible curved portion (8) on the proximal side having a tube insertion hole (8a). An upper member (6) and lower member (7) are connected via the curved portion. The upper member and the lower member are detachably engaged at distal ends (leftmost end of element 7, element 11) so that there is a clearance through which at least the wing of a winged needle is capable of being introduced between the upper and lower members when the members are not engaged. A pressurizing portion (9, 10) is provided on the upper member or lower member for engaging and pressurizing the tube when the members are engaged (col. 3, ll. 47-54). In Fig. 3, the elements 9a and 10a of elements 9 and 10 are smaller than the outer diameter of the catheter, and thus place pressure on the catheter when the ends are attached. A space (space between elements 6 and 7), which is capable of storing the needle cannula and a hub, is provided in the upper member or lower member (6, 7).

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Regarding claim 2, Rocco discloses in Fig. 4 the upper member provided with a pair of left and right engaging hooks (11) at its distal end. The lower member is provided with an engaged portion (distal end of 7) for engaging the engaging hooks (col. 3, ll. 55-59).



Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4,802,650 to Stricker

U.S. Patent No. 5,318,546 to Bierman

U.S. Patent No. 6,379,335 B1 to Rigon et al.

U.S. Patent No. 5,704,917 to Utterberg

U.S. Patent No. 6,447,485 B2 to Bierman

U.S. Patent No. 6,139,532 to Howell et al.

U.S. Patent No. 5,053,017 to Chamuel

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwen Phanijphand whose telephone number is 703-305-4845.

The examiner can normally be reached on Mon-Fri.

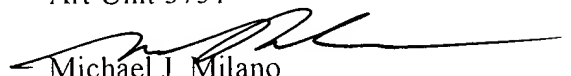
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano can be reached on 703-308-2496. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3590 for regular communications and 703-305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

GP

January 29, 2003

Gwen Phanijphand
Patent Examiner
Art Unit 3731


Michael J. Milano
Supervisory Patent Examiner
Technology Center 3700